



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,321	01/12/2001	Markus Meyer	P-4355	2684

7590 07/19/2005

Forrest Gunnison
Gunnison, McKay & Hodgson, L.L.P.
Suite 220
1900 Garden Road
Monterey, CA 93940

EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
----------	--------------

2195

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/760,321

Applicant(s)

MEYER, MARKUS

Examiner

Lewis A. Bullock, Jr.

Art Unit

2195

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): Election/Restriction requirements to non-elected claims.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 4,6,11-14,18,19,21 and 22.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: the arguments are unpersuasive. Applicant traverses the anticipation rejection because figure 3-2 details an interface proxy as separate and distinct from the surrogate server and therefore cannot teach converting the method call by a proxy interface from one execution environment to another. The examiner disagrees. The examiner is slightly confused regarding the argument. Applicant acknowledges that the examiner has mapped the interface proxy to the surrogate server, in particular to an object of the surrogate server (response, pg. 6, 4th paragraph), but is referring to another entity as the interface proxy in stating that the invention is different. The examiner has mapped the interface proxy to the creation of a COM surrogate object that is created for each CORBA object and acts as a surrogate for CORBA object such that it performs any transformations necessary in order to make the associated request on a CORBA object (pg. 11). The examiner did not map the interface proxy of figure 3-2 to the interface proxy of the claims. As proper under M.P.E.P. 2111, claims are given their broadest possible interpretation consistent with the teachings of the specification. The claims as interpreted based on the specification, without reading added limitations not disclosed in the claims, details an entity identified in the claim as a proxy interface, that resides in a first execution environment and converts a method call from the first execution environment to a second execution environment. The surrogate server resides in the first execution environment and converts a function call from the first execution environment to the second execution environment. Therefore, since the surrogate server functions identical to the functions of the proxy interface, the surrogate server is a proxy interface. This reasoning is also used in the responding to the arguments of claims 12-14, 18, 19, 21, 22, and 11. Applicant also argues that the fact that a server is written in a particular computer program language fails to teach "generating a binary specification" for a particular execution environment as recited in claim 4. The examiner disagrees. As conceded by Applicant in the background of the invention, "Since the two software programs are written in different languages, the two software programs have different binary specifications." (pg. 2, lines 3-5) and "In this example, the different binary specifications result from different computer programming languages." (pg. 2, lines 11-13). Therefore, if two objects are generated from different programming languages then the two objects are different binary specification objects. DEC teaches the objects are created by their class factories (pgs. 6-7). Therefore, when one generates a first object in a first language, the first object is a binary specification object in a first programming language. Generation of a second object in a second language generates a binary specification object in a second programming language. DEC teaches the generation and communication of objects in a COM specification and a CORBA specification such that requests between the objects are transformed. If the objects were in the same specification there would be no need to transform the requests. In addition, figure 3-2 teaches that the surrogate server comprises a COM/OLE Object Methods portion having CORBA client stubs and a CORBA Object Methods portion having COM/OLE Interface Pointers. Because these are components of the surrogate server that must be created when the surrogate server is created, the various specification objects, in this instance the various methods with the corresponding information, must be created when the surrogate server is created. Therefore, the claims teach the limitations as disclosed. Applicant also argued that the rejection has failed to establish why given this understanding there would be any reason to even modify the primary reference because the two approaches are aimed at the same objective, of satisfying the RFP. The examiner disagrees. The primary reference teaches generating a server surrogate, i.e. proxy interface, that provides a mapping between objects of different specification in a first environment and a second environment such that the objects are capable of communicating. However, the primary reference does not allude to either (1) the bridge object creating the proxy wrapping an interface or (2) the bridge object is used in mapping objects from environments. The secondary reference details a bridge object that creates multiple object mappings between objects in a first environment and objects in a second environment wherein the objects are of different specifications by wrapping views of objects. Because the bridge object functions similar to the server surrogate by performing mapping operations between objects, the bridge object is a surrogate server. The claims detail that the step of generating a bridge object wherein the bridge object is used in mapping objects from the second execution environment to the first execution environment and that the bridge object generates a proxy wrapping an interface in the second execution environment. The primary reference teaches the generation of a surrogate server object, i.e. a bridge object, that maps objects between respective environments, but it doesn't teach that the bridge object creates a proxy wrapping an interface. The secondary reference teaches that a bridge object is generated in order to manage and control the generation of object mappings, by using view objects which are components of a bridge object and is used to help translate or convert requests between mappings. Therefore, the combination would disclose a bridge object or surrogate server is used to generate, manage, and control object mappings by creating and mapping views of object interfaces. Therefore, the combination is necessary and adequately teaches the combination as disclosed.